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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/322,073	05/27/1999	MICHAEL F. GUHEEN	AND1P103	7477

7590 04/11/2002  
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EXAMINER

POND, ROBERT M

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 04/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/322,073

Applicant(s)

GUHEEN ET AL.

Examiner

Robert M. Pond

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,6,8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### ***Specification***

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or

(2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**3. Claims 1-6, 8-14, 16, and 17 are rejected under 35 USC 102(e) as being anticipated by Ruffin et al, patent number 6,249,769.**

Ruffin et al teaches all the limitations of Claims 1-6, 8-14, 16, and 17. For example, Ruffin et al discloses an automated method, system, program product, and logic for a) evaluating aspects of a business enterprise and business-related requirements of the enterprise which include information technology (IT) requirements, and b) utilizing the information to sell and deliver products or services designed to overcome deficiencies in IT or business frameworks (see at least abstract; Fig. 1 (100); col. 1, lines 8-22; col. 12, line 58 through col. 13, line 1; col. 14, lines 39-49). Ruffin et al discloses framework assessment including World Wide Web enablement, requirements data collection and analysis, project implementation assessment tools, financial analysis tools, proposal generation tools, planning tools, and pictorial representations with indicia coding (see at least Fig. 7 (700); Fig. 9 (901; 902n, 904); col. 7, line 66 through col. 8, line 9; col. 15, lines 36-40; col. 23, line 35; col. 25, lines 32-34). Ruffin et al further discloses IT design and solution services, network computing services, operations services, management services, data services, network security services, and developer and integration services (see at least Fig. 10 (1005); Fig.

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12 (1200); col. 5, line 10, lines 51-56; col. 14, line 6, line 25; col. 16, lines 24-26; col. 17, lines 51-55). It is old and well known in the art that IT service providers supporting network environments, databases, and operating systems (see at least col. 13, line 65 through col. 14, line 27) must be proficient in delivering directory support services. Ruffin et al further discloses services pertaining to training and administrative support, populating knowledge-bases with content to be applied directly to customer analysis, and customer and commerce services comprising: electronic business (e-business) applications, enterprise resource planning application provision, and enterprise business analysis (see at least col. 5, lines 51-56; col. 17, line 62).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 4. *Claims 7 and 15 are rejected under 35USC 103(a) as being unpatentable over Ruffin et al, in view of Battat et al, patent number 5,958,012.***

Ruffin et al teaches all the above as noted under the 102(e) rejection and further teaches information technology management and the complexities of IT management, business solution development for IT frameworks, using indicia in

presenting products and services solutions, pictorial representations, and indicia to annotate framework components for presentations and sales proposals, but fails to disclose the use of indicia color coding. Battat et al teaches a network management system (Computer Associates' Unicenter TNG) that intuitively manages all components of a heterogeneous computer network and displays views of any component, set of components, or business processes (see at least abstract; Fig. 1 (101); col. 4, line 45 through col. 6, line 39). Battat et al further teaches pictorial representations, color-coded indicia, texture mapping, and shading to highlight indicia and render realistic pictorial representations of framework components and processes (see at least Fig. 10J; Fig. 10K; col. 5, line 5; col. 11, lines 53-60; col. 12, lines 53-56). It is old and well known that IT vendors use demonstrable versions of their hardware and software products in sales situations to analyze a potential customer's network to highlight products or services missing that can be provided by the vendor or participating business partners. Computer Associates is an example of a company that uses a demonstrable version of Unicenter TNG or stand-alone derivative product for this purpose. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Ruffin et al to include indicia designs as taught by Battat et al, in order to accentuate key framework products or services required to solve the customers business problems.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- US 6,249,768 (Tulskie, Jr. et al) 19 June 2001; teaches a strategic capability network and an integrated framework for assessment of the costs of supporting resources and the value of strategic positions.
- Business Wire, "E-COMMS To Integrate Remote Management Capabilities With Computer Associates' Unicenter TNG; E-Commander Users To Benefit From The End-To-End Management Capabilities Of Unicenter TNG," 04 May 1998, Dialog file 20 #01538380; teaches CA's development partners program, end-to-end management services, integration, use of business process views, and network security.
- US 4,937,743 (Rassman et al) 26 June 1990; teaches indicia coding schemes on displayed icons and pictorial representations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:00AM-5:00PM Eastern.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding

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is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

RMP  
April 5, 2002

  
WYNN COGGINS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100